

April 3, 1998

**OFFICE OF THE HEARING EXAMINER**  
**KING COUNTY, WASHINGTON**

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**DECISION ON APPEALS OF SEPA THRESHOLD DETERMINATION  
AND CONDITIONAL USE PERMIT**

**SUBJECT:** King County Department of Development and Environmental Services File No. **L97AC032**

**US WEST/LAKE SAMMAMISH PARKWAY SITE**

Appeals of Conditional Use Permit Decision and  
SEPA Threshold Determination

Location: 4300 West Lake Sammamish Parkway Southeast

Applicant: US West Wireless, *represented by* **Ralph Long**, Regional Real Estate Manager  
450 – 110th Avenue NE, Bellevue, WA 98004

Appellants: **David T. Johnson** *and* **Stephen O. Simmons**  
14966 NE 31<sup>st</sup> Circle 4202 – 181<sup>st</sup> Avenue SE  
Redmond, WA 98052 Bellevue, WA 98008

Intervenor: **West Lake Sammamish Association**, *represented by*  
David W. Marks *and* Diane Tibelius  
1001 – 4<sup>th</sup> Avenue Plaza #3130 2650 W Lk Samm Pkwy SE  
Seattle, WA 98164 Bellevue, WA 98008

Department Representative: **Paul Wozniak**, 900 Oaksdale Avenue Southwest, Renton, WA 98055

**SUMMARY OF DECISION:**

Department's Preliminary:	Deny Appeals
Department's Final:	Deny Appeals
Examiner:	Grant in part; deny in part

**PRELIMINARY MATTERS:**

Application submitted:	May 21, 1997
Notice of appeal received by Examiner:	September 30, 1997
Statement of appeal received by Examiner:	October 7, 1997

## EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	November 21, 1997
Hearing Opened:	January 14, 1998
Hearing Continued:	February 26, 1998
Hearing Continued:	March 16, 1998
Hearing Closed:	March 24, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES ADDRESSED:

- Aesthetics
- Cellular towers
- Compatibility of use
- Conditional Use
- Standing
- Visual impacts

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

## 1. General Information:

Location:	4300 West lake Sammamish Parkway SE
STR:	SW NW 18-24-06 (Parcel #864870-0550)
Zoning:	R12-P
Community Plan:	Newcastle
Drainage Subbasin:	West Lake Sammamish

2. On May 21, 1997 US West Communications filed an environmental checklist and an application for a conditional use permit to authorize construction of a 125-foot monopole communications tower with ancillary equipment cabinets on a 340 square foot leasehold located within the front yard of a 1.28 acre residential property. The Nikko parcel lies on the east side of West Lake Sammamish Parkway just south of its intersection with 181<sup>st</sup> Avenue Southeast. Due to its proximity to the Exit 13 interchange to Interstate 90, this neighborhood is characterized by mixed uses to the extent that properties which are both near the freeway and border the arterial are zoned for multi-family development. The properties lying west of West Lake Sammamish Parkway nearest the freeway are currently developed with institutional uses, including the Sunset Elementary School, a Fire District facility and a day care center. Properties on the east side of the Parkway, on the other hand, are exclusively residential, with single family homes predominating east of the hill crest which lies approximately along the eastern boundary of the Nikko parcel. These properties overlook Lake Sammamish, which is the primary view amenity in this area.

3. Although currently developed with a single family residence and outbuildings, the 1.28 acre Nikko property upon which the Applicant's leasehold is located is zoned for multi-family development at a base density of twelve units to the acre. The property immediately to its south is also zoned R12 and is the location of the Sammamish Crown Condominiums. To the north and east of the Nikko property are single family residences on lots zoned R6, and the parcel to its west across West Lake Sammamish Parkway contains the elementary school. In terms of existing development patterns, West Lake Sammamish Parkway forms a clear boundary between residential uses located on its east side and non-residential institutional uses to the west.

4. On September 16, 1997 the King County Department of Development and Environmental Services (DDES) issued both a determination of non-significance under SEPA for the US West application and an administrative conditional use permit decision approving the monopole proposal. Two timely appeals were filed by area residents challenging the conditional use permit decision, one by David T. Johnson and the other by Stephen O. Simmons. Mr. Johnson also appealed the issuance of the determination of non-significance under SEPA.

5. A pre-hearing conference was held by the King County Hearing Examiner's Office on the above-referenced appeals on November 21, 1997, at which time they were consolidated into a single hearing procedure. The West Lake Sammamish Association, an organization representing residents in the West Lake Sammamish neighborhood, applied for and was granted intervenor status.

6. The conditional use appeal process for a telecommunications facility proposal within King County is an unusual procedure in that the initial conditional use permit decision by DDES is issued without the benefit of a public hearing despite the fact that the applicant is required to hold public meetings to solicit comments from concerned citizens. Therefore, at the point when the conditional use permit appeal hearing occurs it constitutes the first formal opportunity for public testimony, even though the application has already undergone a considerable history of public comment.

7. In response to the high level of public interest expressed concerning this application, a public hearing in the community was held January 14, 1998 to receive testimony from neighborhood residents, with the more restricted appeal hearing scheduled to occur thereafter. The pre-hearing order issued December 3, 1997 also endeavored to summarize and focus the range of issues raised. The SEPA appeal issues were identified as potential adverse visual, noise, traffic and construction impacts, with the primary conditional use permit issues being potential use incompatibility arising out of a proposed non-residential use within a residential neighborhood, visual incompatibility with regard to the facility's size, scale and appearance in relation to surrounding properties, and the question of whether the facility would discourage or interfere with permitted residential uses in the neighborhood.

8. Comprehensive Plan Policy ET-404 encourages co-location of antenna facilities when feasible, and consistent with this policy US West has indicated that its pole on the Nikko property would be made available to other service providers for co-location purposes. A maximum development of the proposed monopole facility, therefore, would include a set of six 42-inch-long antenna panels located at the top of the monopole, a second set of three antenna panels located below the top-most array to support anticipated future expansion of the US West system, then lower down a cluster of antennas belonging to a second carrier who has been granted permission to co-locate on the pole. The initial installation on the concrete pad at the base of the pole would consist of two equipment cabinets each 5 feet tall by 2 ½ feet deep and 2 ½ feet wide, with two more identical cabinets likely to be installed at future expansion and another set of comparable equipment cabinets resulting from co-location. The 9 ½ by 12-foot cement pad would be

screened on its exposed sides by a ten-foot width of Type 1 landscaping, which would include evergreen plantings at least 6 feet high. The pole itself is proposed to be painted brown in order to blend in with nearby fir trees and is projected to have a diameter of nearly 45 inches at its base tapering down to 20 inches at the top.

9. The principal issues raised by this application relate to its visual impacts on surrounding properties and on the neighborhood as a whole. The monopole and equipment array would entail the intrusion of an industrial-appearing development into a property which is presently entirely residential in character. As shown within various photographs, the Nikko property is currently characterized by gently rolling terrain dominated by lawn on the west side interspersed with tall fir trees near the northern boundary. Fruit trees also lie within the southwestern quadrant, which features a garden plot and a children's swing set. Further upslope to the east are sited the Nikko house and outbuildings. While there are light poles and power lines adjacent to the site along the West Lake Sammamish Parkway right-of-way, the arterial lies more than 100 feet west of the proposed facility location, and the poles within the right-of-way are far shorter than 125 feet.

10. From the west the monopole will be visible to passing traffic on West Lake Sammamish Parkway at a distance of 150 feet or greater and will fall within the territorial view from the Sunset Elementary School across its parking lot. The Nikko property is bounded on the north and east by five single family residences which will also have a view of the monopole. However, because the topography rises towards the northeast and the Nikko residential buildings are on the elevated eastern portion of the parcel, the three easternmost adjacent residences will only see the upper half of the monopole above intervening residential structures and vegetation. The two houses along the northern property line will have a closer view at about 160 feet, but again this view will be partially obstructed by evergreen trees and fencing.

11. Appellant Stephen Simmons lives approximately 500 feet north of the monopole and Appellant David Johnson about 700 feet to the east. Although these assertions were disputed by the Appellant and County staff, both Appellants testified that they would be able to see at least some portion of the monopole from their properties. Mr. Simmons testified that the monopole will be visible from his deck and from his bedrooms and dining room. Appellant Johnson testified that he can see the roof of one of the Nikko outbuildings from his living room and, extrapolating from its height, superimposed a monopole upon a photograph taken from his house looking west. It shows the top of the monopole visible from his property above the trees. Neither the Applicant nor King County staff did a site-specific analysis of visibility issues from the Simmons or Johnson residences, and there is no competent evidence refuting the assertion that the monopole will be at least partially visible from such properties within their territorial views.

12. The closest and most direct views of the monopole and its ancillary facilities will be experienced by the twelve units within Building H of the Sammamish Crown Condominiums, which lies directly south of the proposed monopole location. As shown by the Applicant's topographic survey, the northern wall of the easternmost three units within Building H will lie approximately 95 feet from the pole, while the westernmost three units will view the pole from a distance of about 130 feet. The condo structure is a three story building; thus the view from the first floor units will be over the top of an intervening wooden fence about five feet high, while the view from the upper two stories will be unobstructed

13. As described by the five condominium unit owners within Building H who testified at the public hearing and as supported by the photographic evidence, on the north side of each unit is a small outdoor deck accessed by a full-length glass door with dining room or living room windows also adjacent thereto.

Currently, the view from the decks to the north and northeast is of the Nikko yard, lawn, garden area and trees, with the Parkway, the school and the fire station seen to the west. The five condominium owners unanimously identified the semi-rural nature of the Nikko yard as an important major visual amenity contributing to the enjoyment of their respective units.

14. Both the Applicant and the Appellants submitted to the record photographs of the US West site from various distances and angles which had been modified to show monopole structures superimposed thereon in an effort to represent the effect of the proposed facility on various surrounding properties. Of particular interest were two photographs taken by Sammamish Crown resident Deborah Smith from units 204 and 304 at the eastern end of the Building H. In an effort to depict the impact of the monopole on these units, US West consultants superimposed a brown pole structure with a row of small evergreens planted at its base. The accuracy of these simulations was challenged by Appellant Johnson based on his scaling of the pole's diameter relative to other known objects observable within the pictures.

15. Because US West did not have access to the condo units where the photos were taken, the Applicant's simulations were also based on a comparison with other objects within the visual field. Specifically, its consultant focused on an evergreen tree lying west of the proposed monopole location in about the same plane when viewed from Building H. The US West planner roughly estimated the diameter of the tree at breast height to be 24 inches, and the Applicant's graphic artist doubled this diameter to represent a width of approximately 44 inches.

16. With respect to Exhibit 63A, Mr. Johnson contended that the pole diameter simulated on US West in actuality scaled at approximately 30 inches based on its relationship to the known dimension of the garden border also appearing in the photograph. However, Mr. Johnson did not take into account that the garden border lies some 25 feet in front of the pole, a fact which would require a scaling adjustment to about 40 inches width. But Mr. Johnson's position is supported by map key photo number 11 within Exhibit no. 68, one of the Applicant's photo simulations of the site looking east from across the Parkway which was based on the onsite placement of a truck-mounted crane extended to an approximate elevation of 125 feet. Owing to the use of the crane boom the Applicant's consultants expressed a higher degree of confidence in the accuracy of the pole simulation within key number 11. According to the Applicant's location map this photograph was taken at a distance from the pole of approximately 300 feet. Accordingly, one would expect the pole simulation in Exhibit no. 63, which is three times closer, to be three times as large. In fact, the Exhibit 63A simulation is only about two times as large as that shown in key number 11 in Exhibit no. 68, also suggesting that the Exhibit 63 pole simulations are understated. Finally, the testimony of the Applicant's consultants was that the arbor vitae plantings shown at the base of the pole within the Exhibit no. 63 photographs were not scaled to size, a fact which tends to explain why they appear to be oversized in comparison with the simulated pole diameter.

17. Two peripheral matters relating to view issues involve the Applicant's market study (Exhibit no. 74) and the testimony of various individuals regarding potential stealth techniques for disguising monopoles. With respect to the latter concern, while monopole stealth technology appears to be a growth industry, there was no compelling evidence that such technology would work well at this site. Everyone who had actually seen attempts to disguise a monopole as a tree agreed that the results tend to be garish and unnatural, a consequence that would be exacerbated if co-location were permitted at this site. Disguising monopoles as flagpoles or utility standards also was suggested as a possibility, but this strategy works better at lesser heights and seems to depend for its success upon being in a location where such a facility would normally be expected to exist. Mr. Gibson's market study, on the other hand, while it tends to support a general conclusion that visibility within a five block radius is not a factor in reducing housing resale values, did not seem to be

directly comparable to the situation under present review with respect to the distances involved, the commercial settings of the poles studied, and the orientation of nearby housing vis-à-vis the monopole structure.

18. The noise, traffic and construction impact issues raised by SEPA appeal seem to have little basis in reality. The only noise currently anticipated to be emitted from the site would be from facility cooling fans whose noise levels would be well beneath adopted County thresholds when measured at the property boundaries. In addition, the Nikko property is already subject to a high level of ambient noise due to arterial and freeway traffic, so the noise from project cooling fans would likely not be discernible against the ambient level. Moreover, at a distance of 700 feet there is no reason to believe that Mr. Johnson would be affected by noise from the site. In like manner, the construction impacts attendant to erecting the monopole will be short term and minor, and maintenance traffic would normally be limited to one site visit per month. Although major power outages could result in the temporary importation of portable gasoline or diesel generators to the site, the facility is proposed to be supplied with power back-up in the form of 8-hour batteries, thus making the potential of generator noise an infrequent occurrence.

19. While County regulations do not specifically require an alternative site analysis, consideration of locational factors is not irrelevant to the review process. KCC 21A.26.040 requires that conditional permit review for a monopole proposed within the R12 zone shall include a demonstration by the Applicant “that the proposed facility . . . requires placement at a particular location to meet the needs of the cellular telephone system.” Further, as noted previously, Comprehensive Plan Policy ET-404 encourages telecommunication facilities to co-locate.

The Applicant introduced testimony indicating that its drive-study tests demonstrated that this service area could not be adequately covered from a 90-foot high pole, but at a height of 125 feet the area would be adequately served. It is also clear, however, that the Nikko property is not the only location within the Applicant’s search ring which would satisfactorily support its service needs. Nearly the entire area lying between West Lake Sammamish Parkway and Interstate 90 would produce adequate coverage for the Applicant, and some of the parcels therein are large enough to meet County setback requirements. The Sunset Elementary School has already agreed with another purveyor, Western Wireless, to allow construction of a monopole on the back side of its property between the school buildings and the I-90 right-of-way, a site which might be available to this Applicant for co-location purposes. In addition, although dealing with the Washington State Department of Transportation may not be a quick and easy process, a WSDOT representative testified that its right-of-way was subject to lease for cellular tower use and that the Exit 13 location did not appear to present insurmountable barriers to lease approval. If available, portions of the WSDOT right-of-way would appear to offer a service capacity as good as, or perhaps better than, the Nikko property.

## CONCLUSIONS:

### **A. Standing.**

1. The Applicant has challenged the standing of both Appellants Simmons and Johnson to maintain their appeals. With respect to Mr. Johnson’s SEPA appeal, he has offered no evidence which would suggest that any noise, construction or traffic impacts from the Applicant’s project would be perceptible at his property. He therefore has not demonstrated the requisite standing to raise such issues within his SEPA appeal. With respect to visual impacts, Mr. Johnson’s un rebutted testimony is that the top of the monopole will be visible from his living room above the trees. While not a major impact, it is nonetheless an adverse aesthetic effect of the proposal falling within the range of interests protected by SEPA and which will

cause him immediate and perceptible harm. Mr. Johnson therefore has standing to raise the visual impact issue within the SEPA appeal. It is not an objection to such standing that the visual impacts of the proposal may affect other non-parties more directly and seriously.

2. The standing issue with respect to the conditional use permit appeal has a broader dimension to it because the interests to be protected are more of a communal or neighborhood nature. Conditional use permit review is essentially concerned with issues of neighborhood compatibility, or as stated at KCC 21A.44.010.F, the “protection of the general character of neighborhoods.” Therefore, membership within a definable neighborhood is sufficient to confer standing with respect to conserving the neighborhood’s viability from attempts to degrade it. The West Lake Sammamish area is a distinct neighborhood featuring an exclusively residential character east of West Lake Sammamish Parkway. A goal of the Appellants and the Intervenor is to preserve the integrity of this neighborhood by limiting non-residential development to those areas lying west of the Parkway and adjacent to the freeway. This neighborhood interest confers standing on residents of the West Lake Sammamish community who live east of the Parkway to oppose within a conditional use permit proceeding any non-residential development which is proposed in the vicinity of their properties.

#### **B. SEPA Threshold Determination Appeal.**

3. The basic standard to be applied to the review of a threshold determination appeal is that the SEPA record must demonstrate the actual consideration of relevant environmental impacts. With respect to those relevant impacts shown to be actually considered, the decision of the SEPA official is entitled to substantial weight on review and shall not be overturned unless clearly erroneous based on the record as a whole.

4. The SEPA record discloses actual consideration by the Department of Development and Environmental Services of the potential aesthetic impacts of this proposal. Accordingly, the burden of proof on the SEPA Appellant is to demonstrate that the determination of non-significance is either contrary to law or inadequately supported by the record and therefore clearly erroneous.

5. In the review of monopole applications for minor communications facilities within King County, the rule that has been consistently applied in Hearing Examiner proceedings has been that no significant aesthetic impact occurs unless a valuable view is impaired. This means that the mere fact that a tower may be visible from neighboring properties does not constitute in itself a significant adverse impact. Because monopoles are thin structures that do not normally produce major blockage, they do not have a significant adverse visual impact unless a view of specific importance is impaired or the facility is so close to the viewer that it dominates the perspective.

6. Although views of Lake Sammamish exist in the neighborhood, because of topography no properties which view the monopole site would also view the Lake within the same scenic vista. Therefore, impairment of a significant view is not at issue within this appeal. This means that the intrusion of the monopole into the territorial view from local roadways, the school property, and single family residential properties to the north and east may be adverse but will be less than significant.

7. On the other hand, the view of the monopole and its support structures to the north from the eight units on the second and third floors of Building H within the Sammamish Crown Condominiums will be significant and adverse because the monopole facility will be so close to the residents of such units that it will dominate their view. The view from the decks and dining rooms of these units north into the Nikko yard may not be a unique one, but it is a pleasant and valuable amenity owing to its vegetated and rural

quality. Placement of a monopole within this viewscape at such close proximity will, due to its great height and industrial appearance, become the dominant feature of this scene and significantly impact the aesthetic interests of the condominium owners and residents. The decision of the SEPA official that the proposed monopole facility would not have significant adverse aesthetic impacts to the owners and residents within Building H of the Sammamish Crown Condominiums is not supported by the evidence and is clearly erroneous based on the record as a whole.

**C. Conditional Use Permit.**

8. Turning to the conditional use permit standards, the creation of significant adverse aesthetic impacts on adjacent permitted residential uses resulting from the location, size and height of the proposed monopole facility would have the effect of discouraging the full residential enjoyment and use of neighboring properties and would be inconsistent with the requirements stated at KCC 21A.44.040.B. Such impacts also mandate the conclusion that the proposed conditional use has not been designed in a manner which is compatible with the character and appearance of existing development within the vicinity, in violation of KCC 21A.44.040.A.

9. The record also demonstrates that the West Lake Sammamish community is one which is subject to conflicting development pressures. On the one hand, the core land use in this area is residential, with single family residential uses predominating in those areas which are near to Lake Sammamish. However, the neighborhood is also bordered on its southern side by the Interstate 90 freeway, and the interchange exits where traffic accesses the freeway are inevitably subject to high vehicle use and intensive pressures for commercial and institutional development. Within the context of this application, West Lake Sammamish Parkway provides a clear boundary between the dominant residential area and the institutional service areas nearer the freeway. If approved, the proposed monopole facility would constitute the first major non-residential use sited on the east side of West Lake Sammamish Parkway. As such it would be incompatible with the character of that area and would create a precedent for non-residential development on the east side of the Parkway which in the long term would impair the continued pursuit of residential development. We conclude that these impacts to the integrity of the neighborhood are also incompatible with the requirements of KCC 21A.44.040.A and .B.

10. Finally, KCC 21A.26.040.B requires that conditional use permit review of a monopole application within an R12 zone contain a finding that the proposed facility “requires placement at a particular location to meet the needs of the cellular telephone system.” The record in this proceeding demonstrates that while the Nikko property is an acceptable location for the proposed US West facility in terms of meeting its network service requirements, the properties lying west of West Lake Sammamish Parkway, including the Sunset Elementary School, other institutional properties and the I-90 right-of-way, are equally satisfactory service locations and are available to lease for cellular and related service facilities. While we do not regard this provision to be a rigid or inflexible standard, in view of the relatively greater impacts which would be generated at the Nikko property and within the residentially developed area of the neighborhood generally, the potential availability of satisfactory tower locations, including a co-location opportunity on the elementary school site, supports a conclusion that the showing of locational necessity required by KCC 21A.26.040.B has not been made.

11. Customarily, a finding of significant adverse impacts resulting from a proposal necessitates the performance of an environmental impact statement to study the scope and effect of such impacts. In the instant case, however, the visual impacts of the proposal are adequately identified, and no apparent public benefit would be derived from their further study and analysis. The factual record is sufficient to



determine that, in view of the significant adverse visual impacts, a conditional use permit ought not to be issued for this application. In the interest of not imposing upon the Applicant unnecessary and costly requirements, the performance of an environmental impact statement will not be ordered as a consequence of this set of appeals, and a final decision on the merits will be entered.

DECISION:

The threshold determination appeal of David T. Johnson is GRANTED with respect to the proposal's significant adverse environmental impacts in the area of aesthetics. Mr. Johnson's appeal is DENIED with respect to alleged noise, traffic and construction impacts.

The conditional use permit appeals of David T. Johnson and Stephen O. Simmons are GRANTED. The report and decision dated December 16, 1997 issued by the King County Land Use Services Division with respect to the application of US West Wireless under file no. L97AC032 is reversed, and the conditional use permit is denied.

ORDERED this 3<sup>rd</sup> day of April, 1998.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 3<sup>rd</sup> day of April, 1998 to the parties and interested persons shown on the attached list.

MINUTES OF THE JANUARY 14, FEBRUARY 26, MARCH 16, AND MARCH 24, 1998 PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97AC032 – US WEST/LAKE SAMMAMISH PARKWAY SITE:

STAFFORD L. SMITH was the Hearing Examiner in this matter. Participating at the hearing were Paul Wozniak and Barbara Heavey, representing the County; Ralph Long, Mark Poletti, Greg Patrick, Helene Johnson, Ward Thompson, Deborah Smith, Steve Schars, Paul Best, Larry Brown, Fran Denison, Neysa Blackwell, Chris Wolcott, Sharon Goldberg, Harry Young, David Marks, Richard McCann, Heidi Neimos, Steve Simmons, Tom Manning, Mike Unger, David Johnson, Diane Tibelius, Mike McMurtray, Curt Wines, Jeff Birnhof, William Stewart, Michael Witek, John Milton, and James Gibson.

The following exhibits were offered and entered into the hearing record on **February 26, 1998:**

- Exhibit No. 1 Department of Development and Environmental Services, Land Use Division Report to the Hearing Examiner
- Exhibit No. 2 Determination of Nonsignificance for L97AC032 (E97E0109) issued September 17, 1997
- Exhibit No. 3 Environmental Checklist dated April 8, 1997
- Exhibit No. 4 An appeal of the DNS for L97AC032 (E97E0109) was received September 30, 1997
- Exhibit No. 5 Site plan dated May 20, 1997
- Exhibit No. 6 SEPA/Conditional Use filed (submitted at hearing)

Exhibits Nos. 7-25 have been omitted.

The following exhibits were offered and entered into the hearing record **January 14, 1998:**

- Exhibit No. 26 "Keep Cell Towers Out of Our Neighborhood" prepared and submitted by Greg Patrick
- Exhibit No. 27 Fax transmitted January 13, 1998, from Fritz Kantschi to Hearing Examiner
- Exhibit No. 28 Letter dated December 4, 1997, from Boyce Heidenreich \*(Sunset Elementary School)
- Exhibit No. 29 "Model Wireless Communication Facility Siting Ordinance" submitted by Larry Brown

The following exhibits were offered and entered into the hearing record **February 26, 1998:**

- Exhibit No. 30 Sheet with structural specifications prepared by Paul J. Ford & Co., Structural Engineers
- Exhibit No. 31 Sheet A-2 entitled "Detail" of outdoor equipment and monopole antenna
- Exhibit No. 32 Photographs Nos. 6-16 of various cell tower sites submitted by Johnson
- Exhibit No. 33 Photograph No. 3, submitted by Johnson and showing what he thinks monopole would look like on the site
- Exhibit No. 34 Photograph No. 2, Northwest to site from adjacent property submitted by Johnson
- Exhibit No. 35 Photograph No. 1; view from Johnson property with monopole drawn in by hand
- Exhibit No. 36 Notes from telephone conversation between Johnson and Issaquah Assistance School Superintendent Doug Snyder submitted by Johnson
- Exhibit No. 37 Copy of lease between Western Wireless and Issaquah School District
- Exhibit No. 38 Notes from telephone conversation between Johnson and Pam LaCook, Western Wireless
- Exhibit No. 39 Richards Road to Lake Sammamish Right of Way and Limited Access Plan Fully Contained Controlled Map (sheet 10 of 13 sheets)
- Exhibit No. 40 Richards Road to Lake Sammamish Right of Way and Limited Access Plan Fully Contained Controlled Map (Sheet 11 of 13 sheets)
- Exhibit No. 41 Freedom of Information Act request to WSDOT and February 3, 1998, response
- Exhibit No. 42 Composite (2) photographs showing view of cell tower location from West Lake Sammamish Parkway and H Building of Smallish Crown Condominiums.
- Exhibit No. 43 Composite (3) photograph showing view of cell tower from Unit H-204 – Sammamish Crown Condominiums
- Exhibit No. 44 Photograph of cell tower location from Unit 201 – Sammamish Crown Condominiums.
- Exhibit No. 45 Composite (2) photograph of view of cell tower location from Unit H-304 of Sammamish Crown Condominiums
- Exhibit No. 46 Photograph No. 11 of truck with extended pole
- Exhibit No. 47 Article entitled "Phone Companies Try to Soften an Antenna Invasion in Suburbia" from New York Times, Friday, January 11, 1998
- Exhibit No. 48 Photograph of monopole disguised as light pole
- Exhibit No. 49 Underground cellular facility photograph
- Exhibit No. 50 Photograph of cellular tower disguised as traffic light standard
- Exhibit No. 51 Photograph of two shorter monopoles disguised as light poles
- Exhibit No. 52 Photograph of Three Sektored Susan flagpole
- Exhibit No. 53 Photographs of Nokai mini-cell
- Exhibit No. 54 Resume' of Mark J. Poletti, U.S. West engineer
- Exhibit No. 55 US West Power Density and Maximum Permissible Exposure Calculations prepared by Mark Poletti December 11, 1997, to City of Bellevue
- Exhibit No. 56 Radio frequency propagation model at 90 feet above ground level (AGL)
- Exhibit No. 57 Radio frequency drive test at 90 feet AGL
- Exhibit No. 58 Radio frequency propagation model at 125 feet AGL
- Exhibit No. 59 Radio frequency drive test at 125 feet AGL
- Exhibit No. 60 Aerial photograph (from Applicant's notebook R-29) of subject property and vicinity

The following exhibits were offered and entered into the hearing record **March 16, 1998:**

- Exhibit No. 61 Photograph of cabinets US West uses – "Base Station Equipment"
- Exhibit No. 62 (6) Photosimulations showing pole from various angles

- Exhibit No. 63     Photosimulations based on Simmons' photograph
- Exhibit No. 64     Landscape plan (Type 1)
- Exhibit No. 65     Assessors map marked with 14 points where photographs taken (key map)
- Exhibit No. 66     Photographs A-H of site from various directions showing crane
- Exhibit No. 67     Photographs (A-M) from various directions of site (supplemental crane photos)
- Exhibit No. 68     Photosimulations of (supplemental crane photos) pole at site of crane
- Exhibit No. 69     Resume' of Michael Unger
- Exhibit No. 70     Resume' of Jeff Birndorf
- Exhibit No. 71     Resume' of William Stewart
- Exhibit No. 72     Acoustical Report prepared by William Stewart of BRC
- Exhibit No. 73     A.        Qualifications of Palmer, Groth & Pietka  
                      B.        Professional Qualifications of James Gibson
- Exhibit No. 74     Market Study prepared by James Gibson (Palmer, Groth & Pietka)
- Exhibit No. 75     Photograph submitted by Johnson of Finn Hill tower site as mentioned in Palmer Market study.
- Exhibit No. 76     Resume' of Ralph Long
- Exhibit No. 77     US West Site Selection Process
- Exhibit No. 78     Site maintenance statement prepared by US West
- Exhibit No. 79     Site summary of Timberlake Park prepared by Lucent Group (multiple page packet)
- Exhibit No. 80     Facility Use Application (multiple page packet)
- Exhibit No. 81     US West FCC license
- Exhibit No. 82     Summit Manufacturing pole analysis packet
- Exhibit No. 83     US West's response to the Examiner's second order on discovery completed by Ralph Long.

The following exhibits were offered and entered into the hearing record **March 24, 1998**:

- Exhibit No. 84     Topographic survey map annotated and submitted by Johnson
- Exhibit No. 85     Photosimulation based on Simmons photograph (Exhibit No. 63) with Johnson distance  
    calculations